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Law Office of Shmuel Klein, PC 113 Cedarhill Ave. Mahwah, NJ 07430 (201) 529-3411

UNITED STATES BANKRUPTCY COURT DISTRICT OF NEW JERSEY

In Re:
Andrew C. Borden,
Debtor

X
Andrew C. Borden
Plaintiff,
Vs
US Bank Home Mortgage

Defendant.

Chapter 13

Bankruptcy Case # 09-29392 (RG) Adversary Case No 09-2739 (RG)

Stipulation of Dismissal with Prejudice as to Defendant

IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned, the attorneys of record for plaintiff and defendant in the above-captioned action, that whereas no party hereto is an infant, incompetent person for whom a committee has been appointed or conservatee and no person not a party has an interest in the subject matter of the action, that the above entitled action and all claims, counterclaims, and/or cross claims that were or could have been made herein are hereby dismissed as against Defendant with prejudice pursuant to Fed. R. Civ. P. 41(a)(1)(ii), in all forums, without costs to any party as against any other, and with each party bearing its own legal costs and expenses. Plaintiff, for himself, his heirs, agents, and assigns hereby releases, acquits and forever discharges defendant and its predecessors, successors, officers, directors, shareholders, agents, parents, subsidiaries, affiliates, related companies, partners, attorneys, and employees, none of whom admit any liability, but all of whom expressly deny any liability, from any and all claims, actions, causes of action (whether arising in contract, tort, by statute or otherwise), demands, promises, agreements, judgments, liens, suits, rights, losses, defenses, expenses (including attorneys fees), debts, liabilities, rights, damages, costs, and expenses that were brought or could have been brought in the this action and/or regarding the loan at issue in this action."

IT IS HEREBY STIPULATED AND AGREED U.S. Home Mortgage does not object to plaintiff s bankruptcy motion to reclassify its claim from secured to unsecured and agrees to

issue as satisfaction for its mortgage against the debtors property upon discharge of the debtor;

IT IS HEREBY STIPULATED AND AGREED that US Bank shall pay to the Law

Office of Shmuel Klein, PC the sum of \$600.00 (Six Hundred Dollars (US)) within Ten (10)

days of the filing of this stipulation; and such payment in no way is an admission of liability;

IT IS HEREBY FURTHER AGREED, that the Court will retain jurisdiction of this

matter to effectuate the settlement between the parties and this stipulation may be filed, without

further notice, with the Court and may be executed by facsimile.

Dated: January 21, 2010

US Bank Home Mortgage

Law Office of Shmuel Klein, PC

/s/ Sheila Raftery Wiggens, Esq.

Sheila Raftery Wiggens, Esq. Duane Morris LLP 744 Broad St. Suite 1200 Newark, NJ 07102 (973) 424-2000 Attorney for Defendant

Dated: February 8, 2010

SO ORDERED:

U.S. Bankruptcy Judge

By: /s/ Shmuel Klein

Shmuel Klein

Law Office of Shmuel Klein, PC

268 Route 59

Spring Valley, NY 10977

(845) 425-2510

Attorney for Plaintiff

Dated: February 8, 2010